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16 62

17 **DISTRICT COURT OF GUAM**
18 **TERRITORY OF GUAM**

19
20 JULIE BABAUTA SANTOS, individually,
21 and on behalf of all those similarly situated,

22 CIVIL CASE NO. CV04-00006

23 Petitioner,

24 -vs-

25 FELIX P. CAMACHO, Governor of Guam;
26 ART ILAGAN, Director of Department of
27 Revenue and Taxation; LOURDES M.
28 PEREZ, Director of Department of
 Administration; and GOVERNMENT OF
 GUAM,

29 **DECLARATION OF DAVID J. LUJAN**

30 Respondents.

31 CHARMAINE R. TORRES, on behalf of
32 herself and all others similarly situated,

33 Applicant for Intervention.

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46 **ORIGINAL**

1 I, David J. Lujan, declare as follows:

2 1. I submit this declaration in response to Christina Naputi's Opposition to Applicant
3 Charmaine R. Torres's Motion for Leave to Intervene as a Plaintiff/Petitioner.

4 2. I am a member of the law firm of Lujan, Aguigui & Perez LLP. Lujan Aguigui &
5 Perez LLP was formed on or about January 1, 2003. The founding partners of the firm are
6 myself, Ignacio C. Aguigui, and Peter C. Perez. Lujan Aguigui & Perez LLP is counsel for
7 Applicant for Intervention, Charmaine R. Torres, in this action.

8 3. Christina Naputi's Opposition is filed with unsubstantiated, false, and misleading
9 assertions regarding alleged "conflicts" of the firm, all of which are readily controvertible.

10 4. Christina Naputi asserts that the firm has alleged "conflicts" because its
11 representation of the Guam Housing and Urban Renewal Authority ("GHURA") and the Guam
12 Telephone Authority ("GTA"), are dependent on the Governor's authorization and approval.
13 This is demonstrably untrue; there are no conflicts. GHURA and GTA are autonomous
14 instrumentalities that have the authority under law to retain their own counsel in their own right,
15 and are not dependent on the authorization or approval of the Governor of Guam. The firm's
16 responsibilities to GHURA and GTA do not extend to the Governor.

17 5. Another false assertion made by Ms. Naputi is that I own the Pacific News
18 Building. I do not own the Pacific News Building. The building is owned by a corporation,
19 DNA, Inc., of which I am a minority stockholder. Although the Governor's Office has leased
20 space in the building, the relationship is obviously one in the nature of a landlord-tenant
21 relationship. (In fact, it is my understanding that most of the Governor's Office moved back to
22 the Governor's Office Complex in Adelup at the end of June 2004.) Moreover, it is a relationship
23 between the Governor's Office and the corporate entity DNA, Inc., and not myself personally.
24 Any duties of DNA, Inc., as landlord under a lease agreement with the Governor's Office do not
25 and could not affect my firm's representation of Charmaine R. Torres in this action.

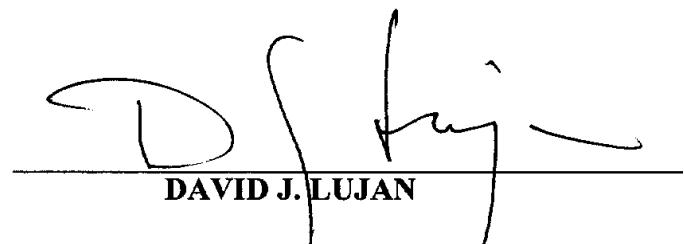
26 6. Under the foregoing circumstances, there is no risk, let alone a "significant risk," that
27 the firm's representation of Charmaine R. Torres and the class she represents will be materially

1 limited by the firm's responsibilities to "another client, a former client, or a third person or by the
2 personal interests" of the firm or its lawyers.

3 I declare under penalty of perjury under the laws of Guam that the foregoing is true to the
4 best of my knowledge and belief.

5 Executed this 2nd day of August, 2004, in Hagåtña, Guam.

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DAVID J. LUJAN